IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

F.A.O. No.4953 of 2006
Date of Decision: 31.10.2006

National Insurance Company Ltd.

..... Appellant

Versus

Sunita Devi and others.

..... Respondents

CORAM: Hon'ble Mr.Justice Uma Nath Singh
Hon'ble Mr.Justice Mahesh Grover

....

Present: Shri Kamal Sehgal, Advocate for the appellant.

....

Mahesh Grover,J.

The present appeal has been filed by the insurer against award dated 13.6.2006 of Motor Accident Claims Tribunal, Fast Track Court, Kurukshetra (hereinafter described as `the Tribunal') passed in M.A.C.T. Case No.306 of 2005.

Shri Kamal Sehgal, learned counsel for the appellant has contended that there are discrepancies in the statements recorded by the Police under Section 161 of the Code of Criminal Procedure,1973 (for short, `the Cr.P.C.') regarding the factum of the accident and the evidence adduced does not establish conclusively the involvement of the vehicle in question which was insured with the appellant.

We have thoughtfully considered the contention of the learned

counsel and have perused the impugned award.

The accident is said to have taken place on 1.7.2004 at 9.30 P.M. and the statement under Section 161 of the Cr.P.C. of PW2-Jag Ram was recorded by the Police at about 1.15 A.M. on the spot. The Police had also collected the broken pieces of the number plate of the offending vehicle which had led to the tracing of the vehicle in question. In view of the fact that the statement was recorded soon after the accident and the evidence collected by the Police from the site of the accident in the shape of the broken pieces of the number plate of the offending vehicle, the discrepancies referred to by the learned counsel for the appellant cannot outweigh the clinching evidence conclusively establishing the involvement of the offending vehicle in the accident.

For the foregoing reasons, there is no merit in the appeal and the same is dismissed in limine.

(Uma Nath Singh)
Judge

(Mahesh Grover)
Judge

October 31,2006
"SCM"